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Federal Communications Commission
Washington, D.C. 20554

DEC 29 1997

DATE FILED ON DATE FILED

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DEC 29 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable David L. Hobson
U. S. House of Representatives
1514 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Hobson:

Thank you for your letter dated December 4, 1997, on behalf of your constituent, Charley Bowman, City Manager, Xenia, Ohio, who is concerned about the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in his community. Your constituent's letter refers to three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

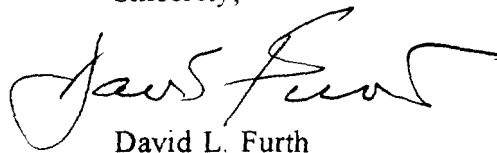
The Honorable David L. Hobson

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Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Furth". The signature is fluid and cursive, with a large initial "D" and a long, sweeping horizontal stroke at the end.

David L. Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

cc: CWD
Dockets (2)
John Conwell
j:\congress\7765

DAVID L. HOBSON
7TH DISTRICT, OHIO

WASHINGTON OFFICE
1514 Longworth HOB
Washington, DC 20515

(202) 225-4324



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

December 4, 1997

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BF
APPROPRIATIONS COMMITTEE
NATIONAL SECURITY
VA, HUD, AND INDEPENDENT AGENCIES
MILITARY CONSTRUCTION
BUDGET COMMITTEE
SPEAKER'S DESIGNEE
STANDARDS OF OFFICIAL CONDUCT
REPUBLICAN WHIP ORGANIZATION

WFB
97-182
7759

Reed Hundt, Chairman
Federal Communications Commission
1919 M St, NW
Washington, DC 20554

Dear Chairman Hundt:

Enclosed you will find an inquiry regarding the Federal Communications Commission's rulemaking relative to zoning for cellular telephone and broadcast towers from Mr. Charley Bowman, a constituent in my Congressional District. I share Mr. Bowman's interest in this matter.

I would appreciate any consideration you can give to Mr. Bowman's concerns and look forward to a response on this matter. Please feel free to contact Jenifer Cutcher of my Washington staff if you need further information.

Thank you for your assistance.

Sincerely,

DAVID L. HOBSON
Member of Congress

enclosure
DLH/jlc

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Room 220 Post Office
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Office of The City Manager

City Hall • 101 North Detroit Street • Xenia, Ohio 45385-2996 • Voice (937) 376-7231 • Fax (937) 374-1818

November 4, 1997

NOV 07 1997

The Honorable David Hobson
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Hobson:

I am writing you about the Federal Communications Commission and its attempts to preempt local zoning of cellular, radio and TV towers by making the FCC the "Federal Zoning Commission" for all cellular telephone and broadcast towers. Both Congress and the courts have long recognized that zoning is a peculiarly local function. Please immediately contact the FCC and tell it to stop these efforts which violate the intent of Congress, the Constitution and principles of Federalism.

When the 1996 Telecommunication Act was approved, Congress expressly reaffirmed local zoning authority over cellular towers. It is disturbing to hear that FCC is now attempting to preempt local zoning authority in three different rulemakings: (1) Local concern on radiation from cellular towers, (2) local authority to impose zoning moratorium on building of telecommunication facilities, and (3) zoning and environmental review on the construction of radio/TV towers over 2,000 feet high.

The City of Xenia recently passed an ordinance providing standards on Wireless Telecommunication Facilities. It is a balanced ordinance and it was developed with the involvement of the Telecommunication Providers in the area namely, Sprint, Ameritech, AT&T and Wallace Communications. In developing the ordinance, the City recognized two important factors, one, wireless telecommunication services is a community need and two, that it must be provided in an efficient and economical way and with due respect to the residents' concern on how such facilities will fit in their neighborhood and local city scape. The ordinance identified potential sites in which these wireless communication facilities can be sited and in my opinion, the potential sites meet the siting requirements for the providers to be able to provide adequate service to the Xenia Community.

While the City of Xenia was developing its ordinance, it passed a zoning moratorium on Wireless Telecommunication Facilities. If we had not passed a moratorium, we would not have been able to provide equal opportunities to the providers as the first one to come to the City would have

Letter Number

Date

Constituent Number

Personal Code

Interest Code

Comments

Staff

Text Code

16992

11/10/97

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tele

jlc

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City of Hospitality

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The Honorable David Hobson

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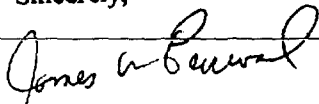
November 4, 1997

had the advantage of not having to meet the standards that are now part of our ordinance. That would have been inconsistent with the guidelines of the FCC. It is therefore, important for local governments to retain their ability to pass zoning moratoria.

Zoning approval for wireless telecommunication towers should be left to the local community as it is the local government which knows its community best and how to respond to specific situations. Transferring this local zoning authority to the FCC may adversely affect the people's confidence in the Federal Government. It will only raise the ire of residents to "federal intrusion" to local matters as the citizenry wants to have larger control on how their neighborhoods are developed, particularly as this relates to the siting of broadcast towers which can be as tall as 2,000 feet.

We urge you to request the FCC to terminate all proceedings toward pre-empting local zoning on the siting of wireless telecommunication facilities.

Sincerely,



For Charley V. Bowman
City Manager

c

Attached list (A)

Copy List *A*

Senator John McCain
241 SROB
Washington, DC 20510-0303

Representative James Moran
1214 LHOB
Washington, DC 20515-4608

Senator Conrad Burns
187 SDOB
Washington, DC 20510-2603

Representative Bart Stupak
1410 LHOB
Washington, DC 20515-2201

Senator Kay Bailey Hutchison
283 SROB
Washington, DC 20510-4304

Representative Joe Barton
2264 RHOB
Washington, DC 20515-4306

Senator Slade Gorton
730 SHOB
Washington, DC 20510-4701

Ms. Barrie Tabin
Legislative Counsel
National League of Cities
1301 Pennsylvania Ave, NW, 6th Floor
Washington, DC 20004

Senator Dianne Feinstein
331 SHOB
Washington, DC 20510-0504

Ms. Eileen Huggard
Executive Director
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1650 Tysons Boulevard, Suite 200
McLean, VA 22102-3915

Representative Tom Bliley
2409 RHOB
Washington, DC 20515-4607

Mr. Robert Fogel
Associate Legislative Director
National Association of Counties
440 First Street, NW, 8th Floor
Washington, DC 20001

Representative W. J. Tauzin
2183 RHOB
Washington, DC 20515-1803

Representative Edward J. Markey
2133 RHOB
Washington, DC 20515-2107

Mr. Kevin McCarty
Assistant Executive Director
U.S. Conference of Mayors
1620 Eye Street, 4th Floor
Washington, DC 20006

Representative John D. Dingell
2328 RHOB
Washington, DC 20515-2216

Representative Bob Goodlatte
123 CHOB
Washington, DC 20515-4606

Ms. Cheryl Maynard
Government Affairs Coordinator
American Planning Association
1776 Massachusetts Ave. NW, 4th Floor
Washington, DC 20036